



NEW YORK CITY DEPARTMENT OF CORRECTION
Joseph Ponte, Commissioner

Office of the Commissioner
75-20 Astoria Blvd., Suite 305
East Elmhurst, NY 11370

718 • 546 • 0890
Fax 718 • 278 • 6022

December 27, 2016

Derrick D. Cephas, Vice-Chair
NYC Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

RE: Six (6) Month Limited Variance Renewal Request to BOC Minimum Standards: Regarding Implementation of the Young Adult Plan and Use of Enhanced Supervision Housing (ESH) Section 1-16(c)(1)(ii)

Dear Mr. Cephas:

Pursuant to §1-15(f) of the New York City Board of Correction's ("Board") minimum standards, the Department requests a six (6) month renewal to the limited variance last granted by the Board on October 11, 2016, from BOC Minimum Standards §1-16(c)(1)(ii) which requires that "as of January 1, 2016, inmates ages 18 through 21, provided that sufficient resources are made available to the Department for necessary staffing and implementation of necessary alternative programming" be excluded from placement in Enhanced Supervision Housing (ESH)¹. This renewal would take effect on January 11, 2017, the date the current variance is set to expire. The Department has also submitted a separate six (6) month variance renewal applicable to the co-mingling of young adults, which if granted, would enable the Department to continue to co-mingle young adults (19 to 21 years old) with adults (22 years old and older), including in ESH.

Over the last two years, the Department has embarked on an unprecedented plan to develop and implement a completely innovative approach to the management of young adults (18 to 21 years old) in a correctional setting. Two years later, we have transformed the correctional landscape by adopting a tiered response protocol that utilizes three (3) progressively more therapeutic and more structured housing options geared towards incentivizing positive behavior with heightened programming, engagement, and staffing. This housing configuration is historic as it provides for security and separation without the use of punitive segregation. This new approach requires a solid foundation that incorporates housing options specifically designed to manage the most violent and problematic young adults in our custody. As we stated when we announced the momentous elimination of punitive segregation for young adults in our October 5, 2016 letter, ESH was another essential component in the new Young Adult Housing construct without which punitive segregation for this population could not be ended.

Since July, when the Board granted the Department's variance to allow for the use of ESH for young adults (19 to 21 years old), we thoughtfully considered the placement of young adults within ESH and the appropriate operation of ESH for this population. As required by the underlying variance condition, in December, the Department submitted a report to the Board setting forth our evaluation of the use of ESH for young adults.

¹ While the Minimum Standards provision §1-16(c)(1)(ii) is applicable to 18 to 21 year old, the variance renewal would be exclusively for inmate's ages 19 to 21 years old. A separate six (6) month limited variance for use of ESH for eighteen (18) year olds was sought and granted by the Board on October 11, 2016 and is effect until April 11, 2017.

The report provides an assessment of the use of ESH for all young adults (18 to 21 years old) in both housing categories: Blended ESH and Young Adult ESH (YA ESH). Blended ESH units are utilized for the housing of young adults (19 to 21 years old) with adults (22 years old and older), while YA ESH is for the housing of young adults (18 to 21 years old) together. Both unit types are maintained within the parameters established in Minimum Standards §1-16. As extensively discussed in the report, initial findings indicate that both units are critical to the continued development of the young adult plan and the safe management of young adults in our custody. Both units exhibited initial positive indicators reflected by increased program participation from young adults who had previously not engaged in programmatic opportunities afforded to them or had limited rehabilitative programming while housed in other units.

As of December 9, the ESH model has housed twenty-six (26)² young adults as a means to manage their violent behavior. Approximately eighty-five (85%) percent, or twenty-two (22) of the twenty-six (26) young adults who have been approved by the Chief of the Department for placement in the unit, have committed a slashing and/or stabbing. The remaining young adults engaged in serious incidents warranting their placement. Preliminary analysis reflects that ESH is a beneficial addition to the management of problematic young adults in need of the unique rehabilitative programming, structure and enhanced security and separation provided.

While initial findings are positive, more time is needed to comprehensively assess and explore the full benefits the use of ESH will have on the young adult population. To that end, the Department will continue to monitor and track metrics and trends related to violence, length of stay, and utilization of programming/educational services. If the inclusion of ESH as a housing option for the young adults (18-21 years old) continues to prove beneficial, the Department will work with the Board to effectuate a package of rule changes.

The Department has made a good faith effort to fully comply with the applicable provisions of the Minimum Standards. However, we are unable to do so at this juncture. When the young adult plan was first advanced, ESH was not included as a housing option. As the Department contemplated the elimination of punitive segregation for this population we recognized the need to consider the addition of ESH as part of the evolving young adult plan. It is critical that this variance be renewed to allow for additional time to continue the comprehensive analysis of the use of ESH for all young adults and determine what refinements to this housing category may be necessary for the safe management of this population. If this assessment continues to validate the effectiveness of ESH for the young adults, the Department will move towards fuller rule making related to these alternative housing options.

The Department appreciates the Board's consideration of this six (6) month limited variance renewal to permit the continued use of ESH for young adults' ages 19 to 21 years old. We look forward to further collaboration with the Board in the successful adoption of the Young Adult Strategy plan and the advancement of related rulemaking.

Sincerely,



Joseph Ponte

cc: Martha King, Executive Director

² This number is inclusive of young adults (18 to 21 years old).